

Michael V. Sclafani, Esq. (MS 9120)
A Member of the Firm of
REARDON & SCLAFANI, P.C.
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09 CIV. 9012

JUDGE SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
YEUK-HUNG SIU,

Plaintiff,

- against -

JOHN RAMOS and BUDGET TRUCK RENTAL, LLC,

Defendants.
-----X

NOTICE OF REMOVAL

NEW YORK COUNTY
INDEX NO. 114669/09

S I R S :

PLEASE TAKE NOTICE, that the undersigned hereby removes this action to the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Local Civil Rule 81.1 and 28 U.S.C. §§1332, 1441(a) and 1446(b), from the Supreme Court of the State of New York for New York County, on the ground that this Court has original jurisdiction of the matter based upon the diversity of citizenship of the parties, in that the plaintiff Yeuk-Hung Siu is a citizen of the State of New York and resides at 87 Columbia Street, New York, New York, the defendant, Budget Truck Rental, LLC is a citizen of the State of Delaware and maintains its principal office at 300 Centre Point Drive, Virginia Beach, Virginia, and the defendant John Ramos is a citizen of the State of Pennsylvania and resides at 373 Penn Estates, East Stroudsburg, Pennsylvania; and

it is alleged that the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

The cause of action arises out of an alleged motor vehicle accident occurring on or about May 22, 2009 in the County of New York, State of New York. Copies of the plaintiff's summons and verified complaint dated October 16, 2009 are annexed.

The plaintiff's summons and verified complaint does not reflect that it was filed in the Supreme Court of the State of New York, County of New York. The defendant, Budget Truck Rental, LLC, received the summons and verified complaint on or about October 22, 2009. Defendant John Ramos has not received the summons and complaint. This notice is timely pursuant to 28 U.S.C. §1446(b).

All defendants join in this notice.

Dated: Tarrytown, New York
October 26, 2009

Yours, etc.

REARDON & SCLAFANI, P.C.
Attorneys for Defendants
OFFICE & P.O. ADDRESS
220 White Plains Road, Suite 235
Tarrytown, New York 10591
(914) 366-0201

By: 

MICHAEL V. SCLAFANI (MS 9120)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
YEUK-HUNG SIU,

Plaintiff,

-against-

JOHN RAMOS and
BUDGET TRUCK RENTAL, LLC,

Defendants.

Index #:
Date Purchased:

Plaintiff designates
New York County as
the place of trial.
The basis of venue is
plaintiff's place of residence.

SUMMONS

Plaintiff Resides at
87 Columbia Street
New York, New York 10002

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To the above named Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
October 16, 2009


Defendants' address:

BUDGET TRUCK RENTAL, LLC.
6 Sylvan Way
Parsippany, NJ 07054

JOHN RAMOS
373 Penn Estates
E. Stroudsburg, PA 18301

Yours, etc.,

AVELINO NITKEWICZ LLP

By: 
LARRY STODDARD III
Attorneys for Plaintiff
225 Broadway, Suite 2500
New York, New York 10007
(212) 732-9500

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index #:
Date Purchased:

-----X
YEUK-HUNG SIU,

Plaintiff,

-against-

VERIFIED COMPLAINT

JOHN RAMOS and
BUDGET TRUCK RENTAL, LLC,

Defendants.
-----X

Plaintiff, YEUK-HUNG SIU, by his attorneys, AVELINO NITKEWICZ LLP, upon information and belief, as and for his Verified Complaint, hereby complains of the defendants as follows:

1. That at all times hereinafter mentioned, plaintiff, YEUK-HUNG SIU, was and still is a resident of the County of New York, State of New York.
2. That at all times hereinafter mentioned, defendant, JOHN RAMOS, was and still is a resident of the County of Monroe, State of Pennsylvania.
3. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, was and is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
4. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, was and is a foreign corporation.
5. That this action falls within one or more of the exceptions set forth in Article 16 of the C.P.L.R.
6. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC owned a Isuzu motor vehicle bearing Oklahoma State license plate 2LN265.
7. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, its agents, servants, and/or employees, maintained the aforementioned motor vehicle.
8. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, its agents, servants, and/or employees, controlled the aforementioned motor vehicle.

9. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, its agents, servants, and/or employees, managed the aforementioned motor vehicle.
10. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, its agents, servants, and/or employees, leased the aforementioned motor vehicle.
11. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, its agents, servants, and/or employees, rented the aforementioned motor vehicle.
12. That at all times hereinafter mentioned, defendant, JOHN RAMOS, was an employee of defendant, BUDGET TRUCK RENTAL, LLC.
13. That at all times hereinafter mentioned, defendant, BUDGET TRUCK RENTAL, LLC, its agents, servants, and/or employees, negligently hired defendant, JOHN RAMOS.
14. That at all times hereinafter mentioned, defendant, JOHN RAMOS, operated the aforementioned Isuzu motor vehicle bearing Oklahoma State license plate 2LN265.
15. That at all times hereinafter mentioned, defendant, JOHN RAMOS, operated the aforementioned motor vehicle as an employee of defendant, BUDGET TRUCK RENTAL, LLC.
16. That at all times hereinafter mentioned, defendant, JOHN RAMOS, operated the aforementioned motor vehicle with the knowledge of its owner.
17. That at all times hereinafter mentioned, defendant, JOHN RAMOS, operated the aforementioned motor vehicle with the consent of its owner.
18. That at all times hereinafter mentioned, defendant, JOHN RAMOS, maintained the aforementioned motor vehicle.
19. That at all times hereinafter mentioned, defendant, JOHN RAMOS, controlled the aforementioned motor vehicle.
20. That at all times hereinafter mentioned, west 34th Street at or near its intersection with 6th Avenue. County of New York State of New York

- public roadways over which vehicles were provided access and did travel upon.
21. That on May 22, 2009 plaintiff, YEUK-HUNG SIU, operated a motor vehicle bearing New York State license plate number BHV2362, at the aforementioned location.
 22. That on May 22, 2009 at the aforesaid location, the motor vehicle owned by defendant, BUDGET TRUCK RENTAL, LLC and operated by defendant, JOHN RAMOS, came into contact with the motor vehicle operated by plaintiff, YEUK-HUNG SIU.
 23. That as a result of the aforementioned contact, plaintiff, YEUK-HUNG SIU, sustained serious personal injuries.
 24. That by reason of the foregoing, plaintiff, YEUK-HUNG SIU, sustained a serious injury as defined in Subdivision (d) of Section 5102 of the Insurance Law of the State of New York.
 25. That the aforesaid contact and injuries were due directly to the negligence of the defendants in the ownership, operation, maintenance and control of their motor vehicle.
 26. That the aforesaid contact was caused solely and wholly as a result of the negligence of the defendants without any negligence on the part of plaintiff contributing thereto.
 27. That by reason of the above premises, the plaintiff, YEUK-HUNG SIU, has sustained serious personal injury and pecuniary loss all to his damage in a substantial sum of money to be determined by a court and jury.

WHEREFORE, it is respectfully requested that this Court grant judgment against the defendants: on behalf of plaintiff, YEUK-HUNG SIU, in a substantial sum of money to be determined by a Court and jury together with costs and disbursements of this action.

Dated: New York, New York
October 16, 2009

Yours, etc.,

AVELINO WITKEWICZ LLP

By: 

LARRY STODDARD III

Attorneys for Plaintiff

225 Broadway, Suite 2500

New York, New York 10007

(212) 732-9500

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LARRY STODDARD III